

the phrase "in the same manner" in line 8 of Committee Recommendation EB-2 is intended to refer to the election of an attorney general by the same classes of qualified voters voting in the same manner as for governor but is not intended to include the requirement that the attorney general run jointly with the governor and lieutenant governor. Is that the understanding, Delegate Morgan?

DELEGATE MORGAN: It is, Mr. Chairman.

THE CHAIRMAN: Does Delegate Peniman's secretary have a note of that?

Delegate Burdette.

DELEGATE BURDETTE: I have a second question which has no real relation to style. But it is a question which concerns whether the Committee intended to eliminate the arrangement of the present Constitution that the state's attorneys may ask opinions. I may be mistaken but on a hasty reading it seems as if the state's attorneys have no right now to ask the attorney general for an opinion while in the present Constitution they do.

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: The Committee Recommendation provides that the attorney general shall upon request give his opinion on any legal matter to either house of the General Assembly or the presiding officer thereof, to the governor, and to any other officer, agency or department of the State, which would include the state's attorneys.

THE CHAIRMAN: Delegate Burdette.

DELEGATE BURDETTE: Are we making them constitutional state officers?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Yes, they are constitutional state officers under our executive branch article which was adopted last week.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: Chairman Morgan, did your Committee give consideration to simply expressing in this section that the attorney general shall be the head of a principal department charged with the legal affairs of the State?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: No, we did not.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: Is it not a fact that he is to become the head of a principal

department, the law department, which he is not?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Well, I think principal department under our executive article has another meaning. It is a department which carries out the state programs and it is under the direction and control of the governor. The governor selects and controls the head of the principal departments. I do not believe the attorney general's office would constitute a principal department under the concept of principal departments which we have provided for in our executive article.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: So he would be the head of a department. Although it simply would not be one of the twenty?

THE CHAIRMAN: Delegate Morgan.

DELEGATE MORGAN: Well, he is the attorney general of the State. I do not know whether—

THE CHAIRMAN: Delegate Morgan has not finished his answer.

DELEGATE MORGAN: You can call it department if you want to, but I do not think that gives any indication of what his functions are.

THE CHAIRMAN: Delegate Byrnes, so the record will not be confused, is not the section to which you refer the one that refers to principal departments of the executive branch?

DELEGATE BYRNES: Yes, sir.

I notice, Chairman Morgan, when you came to the state's attorneys, you did not define his responsibilities although I understand they are defined somewhat in the present Constitution, yet you did define the responsibilities of the attorney general. Why did you feel compelled to be very specific about his responsibilities, particularly in the area of appeals and opinions and so forth.

Why did not the Committee decide to leave that to the discretion of the General Assembly as you did with virtually every other major executive officer of the State, quasi-executive officer of the State?

THE CHAIRMAN: Chairman Morgan.

CHAIRMAN MORGAN: Because his duties were spelled out in the existing Constitution, I think the Committee concluded that there was really no chance that his